

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) MADELYN H. CORKERN,

Plaintiff,

v.

**Case No. 18-CV-183-RAW
(Cherokee County Case No. CJ-18-84)**

**(1) OSTEOPATHIC MEDICAL
EDUCATION CONSORTIUM
OKLAHOMA, INC. (d/b/a OMECO), and
(2) NORTHEASTERN HEALTH SYSTEM
(a/k/a Tahlequah Hospital Authority, a
Public Trust),**

Defendants.

NOTICE OF REMOVAL

Defendant Northeastern Health System (“Defendant NHS”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby respectfully removes the above-styled action from the District Court of Cherokee County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma. In support of this Notice of Removal, Defendant NHS states as follows:

PROCEDURAL HISTORY

1. On May 16, 2018 Plaintiff Madelyn H. Corkern (“Plaintiff”) commenced this action by filing her Petition, in the District Court of Cherokee County, Oklahoma, Case No. CJ-17-84, asserting claims against Defendants for alleged violations of the Age Discrimination in Employment Act of 1967 (ADEA) and Oklahoma’s Anti-Discrimination Act (OADA). See Plaintiff’s Petition, attached as Exhibit 1.

2. Defendant NHS was served with a copy of Plaintiff's Petition and Summons on May 17, 2018. See Summons issued to Defendant NHS attached as Exhibit 2.

3. Other than Plaintiff's Petition and Summons, no further process, pleadings, or motions have been filed in the case. In accordance with LCvR 81.2, a copy of the Cherokee County District Court docket sheet is attached as Exhibit 3.

4. "Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant...to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

5. This Court has "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. §1331. Accordingly, insofar as Plaintiff asserts claims against Defendant under 29 U.S.C. § 631, this action "aris[es] under the...laws...of the United States," and this Court has original jurisdiction of Plaintiff's claims under 28 U.S.C. § 1331.

VENUE

6. Venue, for purposes of removal only, is proper in this Court because it is in the district and division that embraces the place where the state court action has been initiated under 28 U.S.C. §1441(a). This action was brought originally in the District Court of Cherokee County, Oklahoma, located within the Eastern District of Oklahoma.

TIMELINESS OF REMOVAL

7. Further, because Defendant NHS was served with Plaintiff's Petition and Summons on May 17, 2018, this Notice of Removal is timely because it is being "filed within 30 days after

the receipt by [D]efendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.” 28 U.S.C. §1446(b)(1).

JOINDER OF DEFENDANTS

8. Defendant Osteopathic Medical Education Consortium Oklahoma, Inc. (“Defendant OMECO”) consents to and has joined in this Notice of Removal, as evidence by its Consent to Joinder filed concurrently with this Court. See Consent to Removal by Defendant OMECO attached as Exhibit 4.

9. Written notice of the filing of this Notice of Removal will be served on Plaintiff and Defendant Osteopathic Medical Education Consortium Oklahoma, Inc., and filed with the Clerk of Court of the District Court of Cherokee County, Oklahoma.

10. By seeking removal, Defendant NHS does not waive any objections to defects in process or service of process, jurisdiction, venue, statute of limitations, exhaustion of administrative remedies, or any other defense.

WHEREFORE, Defendant prays that the above-styled action now pending against them in the District Court of Cherokee County, Oklahoma, be removed to this Court.

Respectfully submitted,

s/J. Patrick Cremin

J. Patrick Cremin, OBA #2013

Johnathan L. Rogers, OBA #21341

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**ATTORNEYS FOR DEFENDANT,
NORTHEASTERN HEALTH SYSTEM**

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that on this 13th day of June, 2018, a true and correct copy of the above and foregoing NOTICE OF REMOVAL was sent by U.S. Mail, with proper postage thereon fully paid, to:

Mark Hammons, Esq.
Amber L. Hurst, Esq.
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Associates
325 Dean A. McGee Avenue
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Titus Hillis Reynolds Love, P.C.
15 East 5th Street, Suite 3700
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s/J. Patrick Cremin

J. Patrick Cremin

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